

**GENERAL
CLAUSES
ACT, 1897**

GENERAL CLAUSES ACT, 1897

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THE GENERAL CLAUSES ACT, 1897

(X of 1897)¹

[11th March, 1897]

An Act to consolidate and extend the General Clauses Acts, 1868 and 1887

Preamble: Whereas it is expedient to consolidate and extend the General Clauses Act, 1868 (I of 1868) and 1887 (I of 1887); It is hereby enacted as follows:--

COMMENTS

Power of Court to recall or modify its order. Scope. Where an order was patently illegal and unlawful, then Court in interest of justice could exercise such power.^{1a}

1. For Statement of Objects and Reasons, see Gazette of India, 1897 Pt. V, P. 38; for Report of the Select Committee see *ibid* p. 77; and for Proceedings-in-Council, see *ibid*, Part VI, pp. 35, 40, 56 and 76.

This Act has been declared to be in force in the Chittagong Hill Tracts by the Chittagong Hill Tracts Regulation, 1900 (1 of 1900); in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913).

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable to the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P. subject to certain modification and also extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, - see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India 1937, Pt. I, p. 1499. The Act has been extended to the whole of Pakistan and shall be deemed to have been so extended on the 14th day of October, 1955, see the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), Section 3 and Second Schedule.

The provisions of this Act have been extended to the Special Areas of Pakistan by Pakistan Regulation No. 1 of 1961 (with effect from the 13th September, 1961).

1a. 2012 CLC 160.

PRELIMINARY

1. **Short title.**---(1) This Act may be called the General Clauses Act, 1897.

(2) [Rep. by the Repealing and Amending Act, 1914 (I of 1914), Section 3 and Sch. II].

2. **[Repeal] Rep.**---By the Repealing and Amending Act, 1903 (I of 1903), Section 4 and Schedule III].

GENERAL DEFINITIONS

3. **Definitions.**---In this Act, and in all Central Acts and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context,--

(1) **"Abet"**: "Abet"; with its grammatical variations and cognate expressions, shall have the same meaning as in the Pakistan Penal Code (Act XLV of 1860).

(1A) **"Acceding State"**: Inserted by A. O. 1949 Schedule and omitted by the Federal Laws (Revision and Declaration) Ordinance, XXVII of 1981.

(2) **"Act"**: "Act" used with reference to an offence or a civil wrong, shall include a series of Act, and words which refer to acts done extend also to illegal omissions.

(3) **"Affidavit"**: "Affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.

(3A) **"Assam Act"**: Inserted by Act 10 of 1914, Section 2 and Schedule I and omitted by the Federal Laws (Revision and Declaration) Ordinance, XXVII of 1981.

(3B) **"Bahawalpur"**: Inserted by Central Laws (Statute Reform) Ordinance, XXI of 1960 and omitted by the Federal Laws (Revision Declaration) Ordinance, (XXVII of 1981).

²(3C) **"Baluchistan"**: "Baluchistan" shall mean the territories comprised in the Chief Commissioner's Province of Baluchistan immediately before the fourteenth day of October, 1955.

(3D) **"Baluchistan States Union"**: Inserted by Central Laws (State Reform) Ordinance, XXI of 1960 and omitted by the Federal Laws (Revision Declaration) Ordinance, XXVII of 1981.

(4) **"Barrister"**: Barrister shall mean a Barrister of England or Ireland, or a member of the faculty of Advocates in Scotland.

(5) **"Bengal Act"**: Omitted by the Federal Laws (Revision and Declaration) Ordinance, XXVII of 1981

2. Clause (3-c) ins. by the Central Laws (Statute Reform) Ordinance, XXI of 1960, Section 3 and Second Sch. (with effect from the 14th October, 1955).

- (5A) **"Berar"**, was inserted by A. O. 1937, rep. by the Federal Laws (Revisions & Declaration) Act, 1951 (XXVI of 1951), Section 3 and 2nd Sch.
- (5B) **"Bihar and Orissa Act"**, was first inserted as cl. (5-a) by the repealing and Amending Act, 1914 (X of 1914), Sec. 2 and Sch. I and then renumbered as cl. (5-b) by A. O., 1937, rep by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), Sec. 3 and II Sch.
- (5C) Which was inserted by A. O. 1937, rep by Act XXVI of 1951, Section 3 and II Sch.
- (6) **"Bombay Act"**: [Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981].
- (7) **"British-India"**: "British-India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majesty's dominions which were for the time being governed by His Majesty through the Governor-General of India and as respects any period after that date and before the establishment of the Federation of Pakistan means all territories for the time being comprised within the Governors Provinces and the Chief Commissioners Provinces, except that a reference to British-India in an Indian Law passed or made before the commencement of Part III of the Government of India Act, 1935, shall not include a reference to Berar.
- (8) **"British possession"**: "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local Legislature, all parts under the Central Legislature shall, for the purposes of this definition, be deemed to be one British possession.
- (8A) **"Burmah Act"**: Inserted by the Amending Act, 1903 (I of 1903), Sec 3 and Sch. II, rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), Sec. 3 and II Sch.
- ³(8AA) **"Central Act"**: "Central Act" shall mean an Act of the Central Legislature, and shall include, except in section 5, an Act made by the Governor General under Section 67-B of the Government of India Act.
- ⁴(8AB) **"Central Government"**: "Central Government" shall:--

3. Ins by A. O., 1937

4. Subs. *ibid*, for clause (8-ab), which had been ins. by A. O. 1937

- (a) in relation to anything done before the commencement of Part III of the Government of India Act, 1935, mean the Governor-General-in-Council or the authority competent at the relevant date to exercise the functions corresponding to those subsequently exercised by the Governor-General;
- (b) in relation to anything done after the commencement of Part III of the said Act, but before the establishment of the Federation of Pakistan, mean, as respects matters with respect to which the Governor-General was by or under the provisions of the said Act then in force required to act in his discretion, the Governor-General and as respects other matters, the Governor-General-in-Council;
- (c) in relation to anything done after the establishment of the Federation of Pakistan but before the twenty-third day of March, 1956, mean the Governor-General, and shall include:--
 - (i) in relation to functions entrusted under sub-section (1) of Section 124 of the said Act to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and
 - (ii) in relation to the administration before the fourteenth day of October, 1955, of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of Section 94 of the said Act; and,
- (d) in relation to anything done or to be done, after the twenty-third day of March, 1956 mean the President; and shall include in relation to functions entrusted to the Government of a Province, the Provincial Government acting within the scope of the authority given to it by the President.

(8AC) "Central Legislature": "Central Legislature" shall mean the Governor-General in Council acting in a legislative capacity under the Government of India Act, 1833, the Government of India Act, 1853, the Indian Councils Act, 1861 to 1909, or any of those Acts, or the Government of India Act, 1915, the Indian Legislature acting under the Government of India Act, or the Government of India Act, 1935, or the Federal Legislature acting under the Government of India Act, 1935, or the Parliament acting under the Constitution of 1956 or an

Act made by the Provincial Legislature established under the Constitution of 1962 as the case may require.

- (8B) **"Central Provinces Act"**: *Inserted by the Second Repealing and Amending Act, 1914 (XVII of 1914), Sec. 2 and Sch I, rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), Sec. 3 and II Sch.*
- (8C) **"Central Provinces and Berar Act"**: *Inserted by A. O. 1937 and rep. by the Federal Laws (Revision & Declaration) Act, 1951 (XXVI of 1951), Sec. 3 and II Sch.*
- (9) **"Chapter"**: "Chapter shall mean a Chapter of the Act or regulation in which the word occurs.
- ⁶(9A) **"Chief Revenue Authority"**: "Chief Revenue Authority" shall mean the Board of Revenue of a Province.
- ⁷["(10) **District Officer (Revenue)**" shall means Chief Officer incharge of Revenue Administration a District;"; and]
- (11) **"Colony"**: *Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.*
- (12) **"Commencement"**: "Commencement" used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force.
- (13) ⁸[x x x x x x x x]
- ⁹(13A) **"Constitution"**: "Constitution" means the Constitution of the Islamic Republic of Pakistan brought into force on the eighth day of June, 1962.
- ¹(14) **"Consular Officer"**: "Consular Officer" shall include counsel general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent.
- (14A), (14-b), (14-c), (14-d), (14-e), (14-f), and (14-g).: Which were first ins. by A. O., 1937, and then amended by the Pakistan (Adaptation of

6. Subs. by A. O. 1964 Art. 2 and Sch. for Cl (9-a), which was first ins. by A. O. 1937 and subsequently amended by the Pakistan (Adaptation of Existing Pakistan Laws Order, 1947 (G. O. G. O. 20 of 1947), Act 26 of 1951, Sec. 3 and II Sch., the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), sec. 3 and 2nd sch, A. O. 1961, Art. 2, and the Repealing and Amending Ordinance, 1961 (1 of 1961) Sec. 3 and 2nd Schedule.

7. Subs. by Amendment Ord. XXXVI of 2001, dated 13.8.2001.

8. Clause (13) Omitted by amendment Ord. XXXVI of 2001, dated 13.8.2001.

9. Clause (13A) inserted by A. O. 1961, art. 2 and Sch. (w. e. f. 23rd March, 1956).

1. Cf. the Consular Salaries and Fees Act, 1891 (54 & 55 vict., c. 36) S. 3.

Existing Pakistan Laws) Order, 1947 (G. G. O. 20 of 1947), Sch., omitted by A. O. 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

- (15) **"District Judge"**: "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction.
- (16) **"Document"**: "Document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means which is intended to be used, or which may be used, for the purpose of recording that matter.
- (16A) **"Eastern Bengal and Assam Act"**: *Inserted by the repealing and Amending Act, 1914 910 of 1914), Section 2 & Sch. 1 and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (16B) **"East Bengal Act"**: *Inserted by the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947 (G. G. O. 20 of 1947). Sch. and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (16C) **"East Pakistan Act"**: *Inserted by A. O. 1961, Art. 2 and Sch. (with effect from the 23rd March 1956) and omitted by the Federal Law (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (17) **"Enactment"**: "Enactment" shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, or Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid.
- (18) **"Father"**: "Father", in the case of any one whose personal law permits adoption, shall include an adoptive father.
- (18A) **"Federal Government"**: *Omitted by G. G. O. 20 of 1947, Sch.*
- (18B) **"Federal Railway Authority"**: *[Omitted by G. G. O. 20 of 1947 Sch.]*
- (19) **"Financial Year"**: "Financial Year" means:--
- (a) as respects the period before the first day of April, 1959, the year commencing on the first day of April, and ending on the thirty-first day of March;
 - (b) as respects the period from the first day of April, 1959, to the thirtieth day of June, 1959, both days inclusive, that period; and

- (c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June.
- (20) **"Good faith"**: A thing shall be deemed to be done in "Good faith" where it is in fact done honestly, whether it is done negligently or not.
- ²(21) **"Government"**: "Government" or "the Government" shall include both the Central Government and any Provincial Government.
- (21A) **"Government contracts"**: *Inserted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956) and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (21B) **"Government debts"**: *Inserted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956) and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (21C) **"Government grants"**: *Inserted by A. O., 1961 Art. 2 and Sch. (with effect from the 23rd March, 1956) and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (21D) **"Government liabilities"**: *Inserted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956) and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (21E) **"Government property"** : *Inserted by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956) and omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (22) **"Government securities"**: *Omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (23) *Rep by the Repealing and Amending Act, 1919 (18 of 1919), Section 3 and Sch. II.*
- (24) **"High Court"**: *Omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).*
- (25) **"Immovable Property"**: "Immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth.
- (26) **"Imprisonment"**: "Imprisonment" shall mean imprisonment of either description as defined in the Pakistan Penal Code (XLV of 1860).
- (27) **"India"**: "India" shall mean:--

2. Subs by A.O. 1937 for the original definition.

- (a) as respects any period before the establishment of the Federation of Pakistan, British-India together with all territories of any Indian ruler then under the suzerainty of His Majesty, all territories under the suzerainty of such an India ruler, and the tribal areas; and
 - (b) as respects any period of the establishment of the Federation of Pakistan all territories for the time being included in the Dominion of India or the Union or India.
- (27A) **"Indian Law"**: Inserted by A. O., 1937, and omitted by the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947, G. G. O. 20 of 1947.
- (27B) **"Indian State"**: Inserted by the A. O., 1937 and omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.
- (27C) **"Khairpur"**: Inserted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) Section 3 and Second Sch. (with effect from the 14th October, 1955) and omitted by the Federal Laws (Revisions & Declaration) Ordinance (XXVII of 1981).
- (28) **"Local Authority"**: "Local authority" shall mean a municipal committee, district board, body of port commissioner or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund.
- (29) **"Local Government"**: *Rep. by A. O., 1937.*
- (30) **"Madras Act"**: *Rep. by the Federal Laws (Revision & Declaration) Act, 1951 (26 of 1951), Section 3 and II Sch.*
- (31) **"Magistrate"**: "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force.
- (32) **"Master" (of a ship)**: "Master", used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship.
- (33) **"Month"**: "Month" shall mean a month reckoned according to the British Calendar.
- (34) **"Movable property"**: "Movable property" shall mean property of every description, except immovable property.

³(34A1) **"North-West Frontier":** "North-West Frontier" shall mean the territories comprised in the North-West Frontier Province immediately before the fourteenth day of October, 1955.

(34A) **"North-West Frontier Province Act":** "North-West Frontier Province Act" shall mean an Act made by the local Legislature or the Governor or the North-West Frontier Province under the Government of India Act, or by the Provincial Legislature or the Governor of the North-West Frontier Province under the Government of India Act, 1935.

(35) **"North-West frontier Province Act":** Repealed by the Federal Laws (Revision & Declaration) Act, 1951 (26 of 1951), Sec. 3 and II Sch.

(36) **"Oath":** "Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.

(37) **"Offence":** "Offence" shall mean any Act or omission made punishable by any law for the time being in force.

(37A) **"Official Gazette":** "Official Gazette" or "Gazette" shall mean the Gazette of Pakistan, or, as the case may be, the Official Gazette of a Province.

⁴[37B) **"Pakistan Law":** "Pakistan Law" shall mean any Act, Ordinance, Regulation, rule, Order, bye-law or any other instrument which has or had the force of law in Pakistan or any part thereof; but does not include an Act of Parliament of the United Kingdom or any Orders in Council, rule or other instrument made thereunder].

(38) **"Part":** "Part" shall mean a Part of the Act or Regulation in which the word occurs.

(39) **"Person":** "Person" shall include any company or association or body of individuals, whether incorporated or not.

(40) **"Political Agent":** "Political Agent" shall,—

(a) as respects the period before the fourteenth day of October, 1955, mean the principal officer by whatever name called representing the Central Government in an Acceding State or group of Acceding States or in any territory or place in the Tribal Areas or leased areas; and

(b) as respects the period after the thirteenth day of October, 1955, mean the principal officer by whatever, name called (i)

3. Cl. (34A1) inserted by the Central Laws (Statute Reform) Ordinance, 1960, Sec. 3 and II Sch. (with effect from the 14th October, 1955).

4. Subs. by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.

representing the Central Government in an Acceding State or (ii)
representing the Provincial Government in the Tribal Areas.

- (41) "Presidency-town": Omitted G. G. O. 20 of 1947, Sch.
- (42) "Privy Council": Omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).
- (43) "Province": Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.

⁵(43A1) "Provincial Act: Provincial Act shall mean an Act made by the Governor in Council, or Chief Commissioner in Council, Lieutenant-Governor in Council, or Chief Commissioner in Council of a Province under any of the Indian Councils Acts or the Government of India Act, 1915 or an Act made by the local Legislature or the Governor of a Province under the Government of India Act, 1935, or an Act made by the Provincial Legislature established or continued under the Constitution of 1956 or an Act may by the Provincial Legislature established under the Constitution of 1962.

⁶(43A) "Provincial Government": "Provincial Government":--

- ⁷(a) as respects anything done after the establishment of the Federation of Pakistan but before the fourteenth day of October, 1955, shall mean in a Governor's Province, the Governor general or vest in the President, the Central Government;
- (aa) as respects anything done or to be done after the thirteenth day of October, 1955, shall mean the Governor, and where the administration of any area vested in the Governor General or vests in the President, the Central Government;
- (b) as respects anything done before the establishment of the Federation of Pakistan, but after the ⁸Commencement of Part III of the "Government of India Act, 1935, shall mean in a Governor's Province, the Governor acting or not acting in his discretion, and exercising or not exercising his individual judgment, according to the provision in that behalf made by and under the said Act, and in a Chief Commissioner's Province, the Central Government; and

5. Inserted by A. O., 1961 Art. 2 and Sch. (with effect from the 3rd March, 1956).

6. Subs. by the Pakistan (Adaptation of existing Pakistan Laws) Order, 1947 (G. G. O. 20 of 1947) Sch. for the clause (43-a), which was inserted by A. O., 1937.

7. Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), Sections 3 and 2nd Sch. for sub-clause (a) (with effect from the 14th October, 1955).

8. i.e., the 1st April, 1937.

- (c) as respects anything done before the commencement of Part III of the Said Act, shall mean the authority or person authorized at the relevant date to administer Executive Government in the Province in question.
- (44) **"Public Nuisance"**: "Public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code (Act XLV of 1860).
- (44A) **"The Punjab"**: Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.
- (45) **"Registered"**: "Registered" used with reference to a document, shall mean registered in a Province under the law for the time being in force for the registration of documents.
- (46) **"Regulation"**: "Regulation" shall mean a Regulation made by the Central Government under Government of India Act, 1870, or the Government of India Act, 1915 or the Government of India Act, or under Section 95 or Section 96 of the Government of India Act, 1935 or by the Governor under Article 103 or Article 104 of the Constitution of 1956, or by the President or by the Governor under Article 223 of the Constitution of 1962.
- (47) **"Rule"**: "Rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment.
- (48) **"Schedule"**: "Schedule" shall mean a Schedule to the Act or Regulation in which the word occurs.
- (49) **"Scheduled District"**: "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled District Act, 1874 (XV of 1874).
- (50) **"Section"**: "Section" shall mean a section of the Act or Regulation in which the word occurs.
- (51) **"Ship"**: "Ship" shall include every description of vessel used in navigation not exclusively propelled by oars.
- (52) **"Sign"**: "Sign" with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark" with its grammatical variation and cognate expressions.
- (52A1) **"Sindh or Sindh"**: Omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).
- (52A) **"Sindh Act"**: Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.

- (53) **"Son"**: "Son" in the case of any one whose personal law permits adoption, shall include an adopted son.
- (53A) **"Special areas"**: Which was inserted *ibid* (with effect from the 14th October, 1955), has been omitted by A. O., 1964 Art. 2 and Sch.
- (54) **"Sub-section"**: "Sub-section" shall mean a sub-section of the section in which the word occurs.
- (54A) **"Suits by or against Government"**: Omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).
- (55) **"Swear"**: "Swear" with its grammatical variation and cognate expression, shall include affirming and declaring in the case of persons be law allowed to affirm or declare instead of swearing.
- ¹(55A) **"Tribal Areas"**: "Tribal Areas" shall mean the areas in the Province of West Pakistan which, on the thirteenth day of October one thousand nine hundred and fifty-five, were:--
- (a) the tribal areas of Baluchistan to Punjab and the North-West Frontier; and
 - (b) the States of Amb, Chitral, Dir and Swat, and the areas in the Province of East Pakistan known as Chittagong Hill Tract.
- (56) **"Vessel"**: "Vessel" shall include any ship or boat or any other description of vessel used in navigation.
- (56A) **"West Punjab Act"** Omitted by the Federal Laws (Revision & Declaration) Ordinance (XXVII of 1981).
- (56AA) **"West Pakistan Act"**: Omitted by the Federal Laws (Revision & Declaration) Ordinance, (XXVII of 1981).
- ²(57) **"Will"**: "Will" shall include a codicil and every writing making a voluntary posthumous disposition of property.
- ³(58) **"Writing"**: Expressions referring to "Writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form. and
- (59) **"Year"**: "Year" shall mean a year reckoned according to the calendar.

1. Clause (55A) defining "United Provinces Act" which was originally inserted by the Amending Act, 1903 (1 of 1903) sec 3, Sch. 3, 1951 (XXVI of 1951). Sec. 3 and II Sch. and against inserted by A. O., 1964 Art. 2 and Sch.

2. Cf. the definition of "will" in Section 2 of the Succession Act, 1925 (39 of 1925).

3. Cf. section 2 of the Interpretation Act, 1889 (952 and 53 Vict. c. 63).

COMMENTS

The object of S. 4 is to keep in tact the rights and liabilities accrued under repealed or omitted legislation. In case of an election, no right or liability of an individual is likely to be jeopardized with result that disqualification incurred by a candidate under statutory provision would not be saved and carried forward under S. 4 after repeal of such statutory provisions.⁴

Suit filed within prescribed period of four months from registration of sale-deed in respect of pre-empted land was resisted by vendee contending that period of four months prescribed under S. 30, Punjab Pre-emption Act, 1991 for enforcing right of pre-emption would mean "one hundred and twenty days" assuming "thirty days" in a month and that by calculating period on days basis, suit filed by pre-emptor was time-barred. Period of limitation for enforcing right of pre-emption as pointed in S. 30, Punjab Pre-emption Act, 1991 was simply "four months" if intention of Legislature was "Islamic four months" or "one hundred and twenty days" it would have been specifically mentioned as "four lunar/Islamic months" but that having not been incorporated, contention of vendee that period of four months was to be reckoned as lunar months was devoid of any force. Sale-deed in respect of pre-empted land having been registered on 22.10.1997, pre-emption suit filed by pre-emptor on 20.2.1998, was well within time. Concurrent findings of Courts below that suit filed by plaintiff was barred by time, were set aside by High Court.⁵

Perusal of S. 4(1) shows that disqualification incurred by a candidate under the omitted provision of S. 163, Punjab Local Government Ordinance, 2001, will not subsist after deletion of S. 163.⁶

4. Application of foregoing definitions to previous enactments.---(1)

The definitions in Section 3 of the following words and expressions, that is to say, "affidavit" "barrister" "District Judge" "Father" "immovable property" "imprisonment" "Magistrate" "month" "movable property" "oath" "person" "section" "son" "swear" "will" and "year" apply also, unless there is anything repugnant in the subject or ⁷[made after the third day of January, 1868 and to all Regulations made on or after the fourteenth day of January, 1887.

(2) The definitions in the said section of the following words and expressions, that is to say, "abet" "Chapter" "commencement" "financial year" "local authority" "Master;" "offence" "post" "public nuisance" "registered" "schedule" "ship" "sign" "sub-section" and "writing" apply also, unless there is anything repugnant in the subject or ⁷[made after the third day of January, 1868 and to all Regulations made on or after the fourteenth day of January, 1887.

4. 2007 AC 476

5. 2000 CLC 323

6. 2007 AC 476

7. Inserted by A.O. 1937, for "Acts of the G.G. in C".

4A. Application of certain definitions to all Pakistan Laws.—⁸[(1) The definitions in Section 3 of the expressions "British India" "Central Act" "Central Government" "Central Legislature" "Chief Revenue Authority" "gazette" "High Court" "India" "official Gazette" "Pakistan law" and "Provincial Government" apply also, unless there is anything repugnant in the subject or context, to all Pakistan laws].

(2 & 3) *Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.*

GENERAL RULES OF CONSTRUCTIONS

5. Coming into operation of enactments.—(1) Where any Central Act is not expressed to come into operation on any particular day, then it shall come into operation on the day on which it receives the assent:--

- (a) in the case of a Central Act made before the twenty-third day of March, 1956, of the Governor-General; and
- (b) in the case of a Central Act made after that date, of the President.

(2) *Omitted by A. O., 1961 Art. 2 and Sch. (with effect from the 23rd March, 1956).*

(3) Unless the contrary is expressed, a Central Act or Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

5A. Coming into operation of Governor-General's Act.—*Inserted by A. O., 1937 and Omitted by the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947 (G. G. O. 20 of 1947), Schedule.*

6. Effect of repeal.—Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereinafter to be made, then, unless a different intention appears, the repeal shall not:--

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

8. Subs. by the Federal Laws (Revision and Declaration) Ordinance XXVII of 1981.

- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation liability, penalty forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted,, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

COMMENTS

Jurisdiction of High Court to entertain, hear and decide such case. Rights created under repealed Act/Ordinance. Effect thereof, on promulgation of new Act/Ordinance. Banking Companies (Recovery of Loans, Advances Credits and Finances) Ordinance, 1997, where under suit for recovery of loan was instituted stood repealed in view of S. 28. Banking Companies (Recovery of Loans, Advances, Credits and Finances) Act, 1997; which had come into being during lifetime of Ordinance, therefore, rights created under repealed Ordinance would remain in subsistence under the Act. Banking Courts as defined in S. 2(b) of the Act would include High Court for suits where amount exceed thirty million rupees. High Court, thus, had been validly constituted under the Act XV of 1997 and the Ordinance XXV of 1997 and had jurisdiction to try such cases.⁹

Section 6, General Clauses Act, 1897 only saves rights created and liabilities incurred on account of a statute that has been repealed, but no person has any vested right in any procedure. Procedural provisions do not create rights or liabilities referred to in S. 6. If any amendment is made, in the procedural provisions of law, such amendment shall operate with retrospective effect.¹

Effect on proceedings already commenced and pending at the time of repeal. Ordinance repealing the Act did not contain any provision contrary to S. 6(e), General Clause Act, 1897. Such proceedings having been saved by S. 6(e), General Clauses Act, 1897 were required to be continued under the repealed law.²

Power of the President to promulgate Ordinances. Nature. Validity. If all the succeeding Ordinances on the same subject were promulgated during the lifetime of the previous one, provisions of S. 6, General Clauses Act, 1897 would be attracted.³

Allotment of land was made by mistake and, as such, the same was void *ab initio*. Such an order could not be protected by extending the principle of finality thereto under S. 6, General Clauses Act, 1897.⁴

9. 1998 MLD 529.

1. 1998 PTD 2769.

2. PLD 1999 Lah. 156.

3. PLD 1999 Lah. 320.

4. 1999 CLC 798

Provision of law was repealed by judgment of Supreme Court. Such judgment was silent *qua* the pending cases. Pending proceedings were protected and were not hit by the said judgment under the provision of S. 6 of General Clauses Act, 1897.⁵

"Simple repeal" and "simultaneous repeal and re-enactment" of a legislation. *Impace*. Continuity of the Ordinance. Principles. Ordinance (CXI of 1996) was still in force when same was repealed by Ordinance (XX of 1997) which was a verbatim reproduction of Ordinance (CXI of 1996) and Ordinance (XX of 1997), was finally converted into a permanent legislation when the Legislature passed *Ehtesab Act*, 1997. Although Ordinance (CXI of 1996) was a temporary legislation but the Legislature intended to provide continuity to its provisions by first repealing same by Ordinance (XX of 1997) and then converting the latter into an Act of Legislature by passing same as Act (IX of 1997). Clear intention, therefore, was present on the part of the Legislature while Promulgating Ordinance (XX of 1997) to provide continuity to the Provisions of Ordinance (CXI of 1996). Provision of S. 28 (Repealed clause) of Ordinance (XX of 1997) though had not specifically saved the proceedings instituted under Ordinance (CXI of 1996), there was clear intention on the part of the Legislature to keep the proceedings instituted under Ordinance (CXI of 1996) alive under Ordinance (XX of 1997). Proceedings initiated under Ordinance (CXI of 1996) alive under Ordinance (XX of 1997). Proceedings initiated under Ordinance (CXI of 1996), therefore, could be continued under Ordinance (XX of 1997) after repeal of Ordinance (CXI of 1996).⁶

Whenever there is repeal of a legislation, the consequences laid in S. 6 of General Clauses Act, 1897, have to follow, unless the legislation itself indicates different intention. In case the repealed legislation is followed by fresh legislation on the same subject, it is necessary not only to look into the repealed legislation, but also the provisions of repealing legislation. Where the legislation is repealed and enacted in substantially the same terms, the new legislation has to be taken to have been drafted with knowledge of the judicial decision on the old, and the same has to be interpreted in the light of those decisions.⁷

Civil servant was initially an employee of Ministry of Finance and was later on selected as Officer Grade-III in National Investment Trust. Voluntary Separation Scheme was referred by the Trust to its employees and the civil servant accepted the same period of service of the civil servant with the Federal Government in Ministry of Finance was not included for the purpose of retirement and settlement of dues pursuant to the Scheme. Service Tribunal, on appeal directed that period of service of civil servant in the Ministry of Finance be included in his service. Civil

5 1999 YLR 2-67.

6 PLD 2000 SC 26.

7 2001 MLD 729.

Servant who had applied for his appointment through proper channel and there was no break in his service was entitled to service benefits on voluntary retirement. Civil servant was also governed by S. 6(c) of General Clauses Act, 1897 for computation of period of service for receiving settlement dues pursuant to the acceptance of option for Voluntary Separation Scheme. Service Tribunal was right in arriving at the conclusion by allowing the civil servant's appeal and the judgment of the Tribunal did not suffer from any inherent infirmity or jurisdictional error. Indulging of public functionaries in litigation at public expense instead of being fair and reasonable towards civil servants was deprecated by Supreme Court. Public functionaries should act fairly, justly and equitably. Leave to appeal was refused by the Supreme Court.⁸

96A. Repeal of Act making textual amendment in Act or Regulation.---

Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.

17. Revival of repealed enactments.---(1) In any Central Act or Regulation made after the commencement of this Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) The section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

28. Construction of references to repealed enactments.---(1) ³Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

(2) *Omitted by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.*

8 2001 SCMR 116.

9. Inserted by the General Clauses (Admt.) Act, 1936 (19 of 1936) Section 2.

1. Section 11 of the Interpretation Act, 1889 (52 & 53 Vict., c. 63).

2. The original Section 8 was renumbered as sub-section (1) of that section by the Repealing and Amending Act, 1919 (18 of 1919), section 2 and Sch. I.

3. Cf. section 38 (1) of the Interpretation Act, 1889 (52 & 53 Vict., c. 63).

9. Commencement and termination of time.---(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and for the purpose of including the last in series of days or any other period of time, to use the word "to".

(2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on after the fourteenth day of January, 1887.

COMMENTS

The legal term *terminus a quo* means the starting point and *terminus ad quem* is called terminating date/point. In view of general provisions of S. 9 and general principles regulating the process of time given for commencement of any act/task its *terminus ad quem* is once fixed, notified/published by the authority for the information of general public. Authority becomes *functus officio* after the date/time at the point of *terminus ad quem*. There is no cavil to proposition that competent authority fixing such time/period may rescind, extend or curtail the last date but such power can be exercised by it before the point of *terminus ad quem*. After the expiry of *terminus ad quem*, competent authority would have no power to rescind, extent or curtail last date.⁴

10. Computation of time.---(1) Where, by any Central Act or Regulation made after the commencement of this Act, any Act or proceeding is directed or allowed to be done or taken any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the Act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any Act or proceeding to which the ⁵[Limitation Act, 1908 (IX of 1908)], applies.

(2) This section applies also to all Central Acts and Regulations made on or after the fourteenth day of January, 1887.

11. Measurement of distances.---In the measurement of any distance, for the purposes of any Central Act or Regulation made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

12. Duty to be taken pro rata in enactments.---Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

⁴ NLR 2005 Service Pesh. 67.

⁵ Subs. by the Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.

⁶ Cf. Section 34 of the Interpretation Act, 1889 (52 & 53 Vict., c. 63).

13. Gender and number.---In all Central Acts and Regulations, unless there is anything repugnant in the subject or context,-

- (1) words importing the masculine gender shall be taken to include female; and
- (2) words in the singular shall include the plural, and *vice versa*.

COMMENTS

Even if it was presumed that Arbitration Council had no jurisdiction to entertain notice of Talaq given by respondent under provisions of S. 7, Muslim Family Laws Ordinance, 1961, right of Talaq vested in husband under Sharia had not been taken away from any Muslim, irrespective of the country to which he belonged. Despite restrictions contained in Muslim Family Laws Ordinance, 1961, husband's right of Talaq would prevail as given to him under Qur'anic Injunctions. Divorce pronounced by respondent had, thus, taken effect under Islamic Injunctions even if notice to Arbitration Council intimating such Talaq or subsequent proceedings taken in that regard and certificate issued by Arbitration Council endorsing effectiveness of Talaq, were ignored. Constitutional petition also suffered from laches which would not warrant interference by High Court at such belated stage when Talaq under Sharia had already become effective.⁷

13A. References to the Sovereign.---*Inserted by the Repealing and Amending Act, 1919 (18 of 1919), Section 2 and Sch. I, amended by A. O., 1937 and omitted by A. O. 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).*

POWERS AND FUNCTIONARIES

14. Powers conferred to be exercisable from time to time.---(1) Where, by any Central Act or Regulation made after the commencement of this Act, any power is conferred, then, unless a different intention appears, that powers may be exercised from time to time as occasion requires.

(2) This section applies also to all Central Acts and Regulations made on or after the fourteenth day of January, 1887.

COMMENTS

Demand in terms of S. 36, Sales Tax Act, 1990 need not be a single demand at the level of a specified officer. More than one demand in terms of S. 36, Sales Tax Act, 1990 at the level of the same officer cannot be ruled out unless manifest injustice and palpable inequity is the result thereof.⁸

7. 1993 CLC 1331; 1991 SCMR 681; PLD 1965 (W.P.) Lah. 439; PLD 1964 SC 829; PLD 1963 SC 51; PLD 1967 SC 580; 1992 SCMR 1273 and PLD 1996 Lah. 58 ref. 1998 MLD 85.

8. 1998 SCMR 2207; 1998,PTD 2999.

More than one demand in terms of S. 36 of Sales Tax Act, 1951 at the level of same officer could not easily be ruled out unless manifest injustice and palpable inequity was the result thereof. Even otherwise, in terms of S. 14 of the General Clauses Act, 1897, any power conferred by a Federal Statute may be exercised from time to time.⁹

15. Power to appoint to include power to appoint *ex officio*.—Where, by any Central Act or Regulation, a power to appoint any person to fill any office or execute any function is conferred, the, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

16. Power to appoint to include power to suspend or dismiss.---Where, by any Central Act or Regulation, a power to make any appointment is conferred, then unless a different intention appears, the authority having for the time being power to make the appointment shall also have power to suspend or dismiss any person appointed whether by itself or any other authority in exercise of that power.

17. Substitution of Functionaries.---In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions or that of the officer by whom the functions are commonly executed.

(2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

18. Successors.---(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or corporation.

(2) This section applies also to all Central Acts made after the third day of January, 1887.

19. Official Chiefs and Subordinates.---(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of expressing that a law relative to the Chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

(2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

¹20. Construction of orders, etc., issued under enactments.---Where, by any Central Act or Regulation, a power to issue any notification, order, scheme rule, form or bye-law is conferred the expression used in the notification, order, scheme, rule form or bye-law, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act or Regulation conferring the power.

COMMENTS

Section 20 of General Clauses Act is General Provision of while S. 46(e) of Police Act is Special Provision, therefore, same would Govern.²

Appointment of petitioner being irregular could not create vested right. Such irregular action could be corrected any moment. Even otherwise, Authority had jurisdiction under S. 20, General Clauses Act, 1897 to rescind order of appointment of petitioner. Appointment, having been made on 7.6.1995 was terminated on 18.6.1997. Nothing on record would indicate that petitioner was confirmed, therefore, probation period would be deemed to have been extended by one year. Termination was, thus, during probation period and same being without stigma, could not be challenged through Constitutional petition. Illegal and ill-gotten benefits were not to be protected and illegalities should not be preponderated by Courts. Public welfare being supreme law. High Court was vested with powers, to decline relief against such corrective orders.³

⁴["20A. Rules and Orders, etc., to be published.---All rules orders, regulations and circulars having the effect of law made or issued under any enactment shall be published in the official Gazette."]

⁵21. Power to make, to include power to add to, amend, vary or rescind, order, rules or bye-laws.---Where, by any Central Act or Regulation, a power to issue notification, orders, rules, or bye-law is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued.

1. Cf. Sec. 31 of the Interpretation Act, 1889 (52 & 65 Vict. c. 63).

2. AIR 1932 P.C. 252, PLD 1968 Lah. 344 and ILR 1 Delhi 284; PLJ 1998 Lah. 1056.

3. PLD 1991 SC 546; PLD 1992 SC 207; PLD 1997 SC 351 and 1998 CLC 921 ref. PLD 1990 SC 504, 1990 CLC 1337; 1990 CLC 1783, 1998 SCMR 1464 rel. 1999 PLC (C.S.) 190.

4. New Section 20A Inserted by Amendment Ord., XXXIII of 2000 dated 27.7.2002.

5. Cf. Section 32 (3) of the Interpretation Act, 1889 (52 & 53 Vict., c. 63).

COMMENTS

Principle of *locus poenitentiae* (power of receding till a decisive step is taken) incorporated in S. 21. Its applicability and scope highlighted.⁶

Non-declaration of petitioner's C.T. Examination result by Directorate of Education. Petitioner's result was withheld on the ground that he was under age. Directorate of Education claimed that petitioner although was of requisite age of 18 years and he had experience of 9 months as per condition of examination but petitioner's experience after attaining age of 18 years was not of 9 months. Plea of Directorate of Education had no substance. Both the conditions relating to age and experience were independent and separate and were to be fulfilled by candidate. Petitioner fulfilled both condition and such fact was also acknowledged by District Scrutiny Committee. Petitioner had more than 9 months' teaching experience and was more than 18 years old at the relevant time. Conditions for admission to C.T. Examination did not lay down that petitioner/candidate should have nine months' experience after attaining age of 18 years. Petitioner's admission, however, had been accepted as having fulfilled all the conditions and was found eligible to appear in the examination by Scrutiny Committee, was issued Roll No. and allowed to appear in the examination by officials of the Directorate of Education. Directorate/its officials were, thus, estopped by their conduct to say that petitioner was not eligible to appear in C.T. Examination. Even on the principle of *locus poenitentiae*, Directorate of Education could not retrace their steps. Directorate of Education was directed to declare result of petitioner in C.T. Class Examination of 1991. Qanun-e-Shahadat (10 of 1984), Art. 114.]⁷

Locus poenitentiae. Principle of. Applicability. Principles. Conversion of plots, in the present case, had been granted and acted upon and the plaintiff had claimed to have invested huge amount and construction on the plots was not disputed, as such decisive steps had been taken and valuable rights had been created. Principle of *locus poenitentiae* would not be available to the Authority for recalling of the "No-Objection Certificate" in the year 2000 which was issued in the year 1996.⁸

Acquisition of land for public purpose. Land in question had allegedly been purchased by petitioner and entries of change of ownership had been recorded in mutation register. Government had specified target date whereby persons who were owners of land so acquired prior to target date were entitled to alternate land. Petitioner was issue entitlement certificate for alternate land in his favour.

6. NLR 1996 Civil Lah. 251.

7. 1996 CLC 1316.

8. 2002 CLC 1464.

Petitioner was granted alternate land and he was in possession of same since then. Subsequently, however, petitioner's case was reviewed and his entitlement certificate was cancelled on the ground that mutations of ownership in his favour having been sanctioned after target date, he was not entitled to claim alternate land. Petitioner's appeal and revision were dismissed by Revenue hierarchy. Revenue Record presented in Court clearly established that petitioner had purchased land in question prior to target date and that there was no tampering with such record and petitioner was in possession of that land before target date on basis of sale in his favour and after entitlement certificate petitioner was in possession of land in question allotted to him on basis of such entitlement certificate. Impugned judgments of Revenue hierarchy, thus, could not be sustained on such ground and also on the ground that once order had been validly passed, and certain rights had been created, same could not be rescinded unless there was allegation of fraud or glaring violation of law. Orders passed by Revenue Authorities being in violation of principle of *locus poenitentiae* were set aside in circumstances.⁹

Appellant could not show under what provision of law Chief Minister had power to issue direction for allotment. In absence of any statutory backing empowering Chief Minister to allocate any plot out of his reserved quota of plots, appellant could not maintain Constitutional petition. Even otherwise, it was debatable whether any such discretionary powers could be vested in Chief Minister to allot plots in public scheme in view of various Articles contained in the Constitution particularly relating to Fundamental Rights. Appellant, however, was not intimated with any number of plots nor he was given any document in respect of such allotment before withdrawal of allotment letter. No vested right could thus, be claimed by appellant in particular category of plots. High Court was right in holding that no decisive step had been taken before such allotment was withdrawn.¹

Applicability. Judicial and *quasi-judicial* order. Neither reviewed nor modified. Proper remedy. S. 21 is not applicable to the orders of a judicial or quasi-judicial authority vested with powers to resolve the controversy relating to the right of parties under special laws. Orders passed by a Special Tribunal or *quasi-judicial* authority not vested with the powers to review its own decision cannot be modified by such authority. Proper remedy is to move the higher forum for setting aside the order or institute some other appropriate legal proceedings.²

Principle of *locus poenitentiae* would not be applicable when order in question was incorrect. Authority which can pass order can vary, amend, alter or

⁹ 1994 MLD 1513; 1995 CLC 695; PLD 1997 Kar. 292; PLD 1961 (W.P.) B.J. 34 and PLD 1969 SC 407 *ref.* 1998 MLD 978.

¹ 1998 SCMR 2745.

² PLJ 2007 AJ&K 26

rescind that order. Order once passed would not become irrevocable and past and closed transaction on basis of principle of *locus poenitentiae*.³

Notification. Rectification and correction. Issuance of corrigendum. Scope.⁴

Government Authorities could not invoke such doctrine on a mistaken belief or a misconception, where a vested right had accrued to any other person based on such a belief. Doctrine of *locus poenitentiae* was in mitigation of the principle of promissory estoppel.⁵

Competent authority which passes an order is competent to recall it under the principle of *locus poenitentiae* embodied in S. 21 if the order has not taken legal effect.⁶

Power of recalling till a decisive step is taken, is available to Government or relevant Authorities. Authority which has power to pass any order, retains power to withdraw, modify or rescind the same until such time a decisive step had been taken pursuant to order in question.⁷

Making of Rules or Bye-laws, Governmental/executive instructions. Executive instructions/orders when issued by Authority/State functionary competent to frame/make rules and if the same were precise, certain and general in nature, such instructions might be treated as having force of statutory rules.⁸

Use of vegetable oil in such preparation. Use of vegetable oil was a deviation from the formula prescribed for preparation of ice-cream in Appendix II, Para. 19 of West Pakistan Pure Food Rules, 1965. Such deviation was permitted by an executive order/letter which was not published. Such an executive order/letter could neither be treated as a mandatory proviso to para. 19 of Appendix II of the Rules nor the same could be treated as consistent with the provisions of para 19 of Appendix II of West Pakistan Pure Food Rules, 1965.⁹

Suit dismissed for non-prosecution. Restoration of the suit by same Court. Under the provisions of S. 21 of General Clauses Act, 1897, and the light of decisions of superior Courts, the Court had the power to vary, amend, withdraw or rescind that order. Application to set aside order of dismissal of suit for non-prosecution was rightly filed in the same Court which had the power to withdraw or rescind such order.¹

3 PLD 1992 SC 207 ref. 1998 PLC (C.S.) 389.

4 2007 CTC 107

5 1997 SCMR 15 and 1998 SCMR 1949 ref. PLD 1989 Lah. 322; PLD 1989 AJ&K 1; PLD 1992 Lah. 1989; PLD 1972 Kar. 571; PLD 1984 Kar. 522; AIR 1985 Bom. 136 ref. 1999 YLR 2659

6 NLR 2004 Civil Lah. 458.

7 1999 PLC (C.S.) 106

8 PLD 2000 Lah. 1

9 PLD 2000 Lah. 1

1 PLD 2000 Kar. 1

Authority in terms of principle of *locus poenitentiae* has power to rescind or withdraw an order but such right or authority is qualified authority, before certain, rights have been created in favour of a party.²

Competent Authority was not authorised to grant initially lease for more than a period of three years for agricultural purpose. Competent Authority including the Chief Minister under the scheme of relevant law had no lawful authority to extend the period upto 30 years, that too, without auction. Authority of Forest Department, which had added the extension clause in the lease, in exercise of jurisdiction under S. 21, General Clauses Act, 1897, was competent to rescind the order of extension which was operating in favour of the lessee and principles of *locus poenitentiae* and that of natural justice was not attracted in circumstances.³

Limitations on the power exercised by Competent Authority, Provisions of S. 21, General Clauses Act, 1897, postulate that an Authority which passes an order power is **not** absolute as the same is subject to certain limitations. Where the order sought to be varied, rescinded or cancelled is communicated to other party and subsequent to that communication that party acts upon such order, a very valuable right accrues to that party. Authority passing such order becomes *functus officio* to vary rescind or cancel its earlier order as the law does not allow "volte face" to the Authority in circumstances.⁴

Illegal order. Power to recall such order. Scope. Principles of *locus poenitentiae*, applicability. No perpetual rights could be gained on basis of an illegal order. Principle of *locus poenitentiae* would not attract to such order.⁵

"22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.---Where by Central Act or Regulation which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-law, or to issue orders with respect to the application of the Act or Regulation, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under Act or Regulation, then that power may be exercised at any time after the passing of the Act or Regulation; but rules, bye-law or orders so made or issued shall not take effect till the commencement of the Act or Regulation.

23. Provisions applicable to making of rules, or bye-law laws after previous publication.---Where, by any Central Act or Regulation, a power to

² PLJ 2000 Lahore 232

³ 2000 SC MR 907

⁴ 2000 PLC 349 & 2000 CLC 433

⁵ 2007 SC MR 313

⁶ CL Section 37 of the Interpretation Act 1889 (52 & 53 Vict. C. 63)

make rules or bye-law is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:--

- (1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;
- (2) the publication shall be made in such manner as that authority deemed to be sufficient or, if the condition to previous publication so requires, in such manner as the Central Government or the Provincial Government prescribes;
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;
- (4) the authority having power to make the rules or bye-laws, and where the rules or bye-laws and where rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;
- (5) the publication in the official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

24. Continuation, of orders, etc., issued under enactments repealed and re-enacted.---Where any Central Act or Regulation is, after the commencement of this Act, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-laws made or issued under the repealed Act or Regulation, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order scheme, rule, form or bye-law made or issued under the provisions so re-enacted and, when any Central Act or Regulation, which, by a notification under [any law], has been extended to any Local area, has, by a subsequent notification, been withdrawn from and re-extended to such area or any part thereof, the provisions of such Act or Regulation shall be deemed to have been repealed and re-enacted in such area or part within the meaning of this section.

COMMENTS

Benefits granted under First Wage Board Award having been confirmed in subsequent Awards on the subject, were duly saved by repealing statute viz. Newspaper Employees (Conditions of Service) Act, 1973 under S. 24 of the General Clauses Act, 1897. Provision of S. 24, General Clauses Act, 1897, would have its full application in protecting anything done, appointment made, proceedings commandeered action taken under repealed Ordinance except to the extent of inconsistency with provisions of repealed Act. Implementation Tribunal had rightly concluded that benefits granted to employees under First Wage Board Award had been saved and continued. Employees of newspaper concerned were, thus, entitled to payment of Night Shift Allowance at specified rate in terms of fringe benefits of First Wage Board.⁸

"Simple repeal" and "simultaneous repeal and re-enactment" of a legislation. *Impace, Continuity of the Ordinance.* Principles. Ordinance (CXI of 1996) was still in force when same was repealed by Ordinance (XX of 1997) which was a verbatim reproduction of Ordinance (CXI of 1996) and Ordinance (XX of 1997), was finally converted into a permanent legislation when the Legislature passed Ehtesab Act, 1997. Although Ordinance (CXI of 1996) was a temporary legislation but the Legislature intended to provide continuity to its provisions by first repealing same by Ordinance (XX of 1997) and then converting the latter into an Act of Legislature by passing same as Act (IX of 1997). Clear intention, therefore, was present on the part of the Legislature while promulgating Ordinance (XX of 1997) to provide continuity to the provisions of Ordinance (CXI of 1996). Provision of S. 28 (Repealed clause) of Ordinance (XX of 1997) though had not specifically saved the proceedings instituted under Ordinance (CXI of 1996), there was clear intention on the part of the Legislature to keep the proceedings instituted under Ordinance (CXI of 1996) alive under Ordinance (XX of 1997). Proceedings initiated under Ordinance (CXI of 1996), therefore, could be continued under Ordinance (XX of 1997) after repeal of Ordinance (CXI of 1996).⁹

Enforcement in Azad Jammu and Kashmir. Rules framed in the year 1948 under Income-tax Act, 1992 could be deemed to have been in force in Azad Jammu and Kashmir by virtue of S. 24 of General Clauses Act, 1897 and S. 51 of Azad Jammu and Kashmir Interim Constitution Act, 1974.¹

8. PLD 1958 SC (Pak) 153; 1993 PLC 571 and PLD 1995 SC 607; 1998 PLC 196.
9. PLD 2000 SC 20.
1. PLD 2001 SC (A&K) 37.

²[24A. Exercise of power under enactments.---(1) Where, by or under any enactment, a power to make any order or give any direction is conferred on any authority, office or person such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment.

(2) The authority, office or person making any order or issuing any direction under the powers conferred by or under any enactment shall, so far as necessary or appropriate, give reasons for making the order or, as the case may be, for issuing the direction and shall provide a copy of the order or, as the case may be, the direction to the person affected prejudicially.]

COMMENTS

Any authority, officer or person making any order or issuing any direction under power conferred by or under any enactment shall, under S. 24A, so far as necessary or appropriate, give reasons for making order or issuing direction and also provide a copy of its order or direction to the person affected prejudicially. A sketchy and bald order giving no reasons would be violative of mandatory requirements of S. 24A. High Court accepting writ petition and striking down such bald and sketchy order leaving it open for the authority to pass a fresh order in accordance with S. 24A.³

Public sector compaies. PEPCO, FESCO. Collective decision in Board Meeting. Validity. Only in grave emergency, which has no room for delay, CEO may act singly in welfare of the company and in public interest. Board of directors must give reasons for allowing CEO to take such decision and must give reasons for its ratification.⁴

Violation of requirement. Government functionary. Obligation to issue one month's notice or make payment of one month's salary. Termination of services. Validity. Failure to issue notice also violates the requirement of S. 24-A of General Clauses Act, 1897 which provides that Government functionary must act fairly, justly and reasonably. Element of fairness has to be there in all government actions, which is starkly missing.⁵⁻⁶

2. Section 24A inserted by General Clauses (Amendment) Act (X of 1997), dated 2.6.1997.

3. 2007 UC 85

4. PLJ 2011 Lahore 602.

5-6. PLJ 2011 Lahore 186

Proposition of law. Elements of public interest. Functionaries of State. Taint of mala fides. Contract carrying element of public interest concluded by functionaries of State has to be just, fair, transparent, reasonable and free of any taint of *mala fides*. Neither status confers any power upon OGDCL to enter into a contract with petitioner after issuance of the letter of intent nor concluded contract by functionary of the State OGDCL with the petitioner has been reached between parties. Section 24-A of the General Clauses Act, 1897 not applicable in this case. Petitions dismissed.⁷

Administration of justice. When any Authority or Officer was empowered to make an order or give directions, such power was required to be exercised reasonable, fairly, justly and for advancement of the purpose of enactment and assigning reason for making such order.⁸

Nature of. Such provisions are procedural in character, thus, have retrospective effect. Duty of public functionaries under S. 24-A of General Clauses Act, 1897, is to decide controversy between parties after application of judicial mind with reasons.⁹

Constitutional petition. Order passed by Authority. Constitution. Reasons for change. Authorities had not given any reason for increase of conversion rates though they were obliged to give reasons in terms of section 24-A of the General Clauses Act. Such order was not sustainable.¹⁰

Addition of S. 24A has retrospective effect. Order passed by a public functionary without applying his independent mind at the time of passing order would be violative of S. 24A.¹¹

Simply endorsing office note would not mean that public functionary passing the order has applied his independent mind which is requirement of S. 24A. Such order would not be sustainable in the eye of law.¹²

Provisions of S. 24A would apply to exercise of discretionary power by Chairman NAB to order arrest of an accused person under S. 24(a), NAB Ordinance.¹

7. PLJ 2007 Lahore 531

8. 2007 YLR 2038

9. 2005 CLD 380

10. 2005 MLD 28

11. NLR 2004 Civil Lab 432

12. NLR 2004 Civil Lab 432

1. 2007 LC 708

Public functionaries are duty bound to decide applications of citizens after judicial application of mind.²

Public functionaries. Duty of. It is the duty and obligation of public functionaries to decide the representation of their subordinates without fear, favour, nepotism, with reasons and within reasonable time as is envisaged by Art. 4 of Constitution read with S. 24-A of General Clauses Act.³

Public functionaries. Public functionaries are also duty bound to decide the applications of citizens after judicial application of mind.⁴

MISCELLANEOUS

25. Recovery of fines.---Sections 63 to 70 of the Pakistan Penal Code (XLV of 1860) and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of Warrants for the levy of fines shall apply to all fines imposed under any Act, Regulation, rule or bye-law unless the Act, Regulation, rule or bye-law contains an express provision to the contrary.

26. Provision as to offences punishable under two or more enactments.---Where an Act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of these enactments, but shall not be liable to be punished twice for the same offence.

COMMENTS

The purpose of S. 26 is to prohibit double punishment though trial and conviction for different offences is not illegal. S. 26 would apply only and only where offences under two enactments are constituted by the same act or omission/Where transactions disclose distinct offences, S. 26 would not be attracted.⁵

Filing and registration of Ehtesab References against accused having already been challaned in Special Court (Offences in Banks) on basis of same F.I.R. and his subsequent indictment for offences in respect of which he had already been challaned would not amount to double jeopardy in terms of Art. 13 of the

² 2007 CLD 1239

³ PLJ 2007 Lahore 1056

⁴ PLJ 2007 SC 920

⁵ See the Code of Criminal Procedure, 1898 (V of 1898) Sec. 386 etc.
2004 SD 974

Constitution, S. 403 of Criminal Procedure Code, 1898 and under S. 26 of General Clauses Act, 1897. Such provisions would be operative and effective only if accused was convicted or acquitted by one of the Courts wherein he was facing trial for one and the same offence and then only proceedings in other Court would have to be stopped/suspended or dropped against him.⁷

Accused had been acquitted by Trial Court on the statement of complainant that he did not wish to prosecute his case against the accused. Revision petition filed by the complainant against the said judgment of acquittal had been dismissed as withdrawn by the Sessions Court. Acquittal earned by accused having attained finality, case could not be re-opened against him on a miscellaneous application filed by the complainant before the Trial Court, in view of Art. 13 of the Constitution, S. 403, Cr.P.C. and S. 26 of the General Clauses Act. Impugned order whereby the Trial Court had issued process against the accused with a view to holding his fresh trial was, consequently, set aside.⁸

A person cannot be punished twice for the same act or omission even if it constitutes offence under two different enactments.⁹

Accused had already been convicted by the Customs Judge for recovery of the heroin from him under the Control of Narcotic Substances Act, 1997. Second case had been registered against the accused on the basis of same facts, investigation, evidence and recovery which were subject-matter of the first trial. Points involved in the subsequent trial were the same which had already been considered and decided in the first trial. Conviction and sentence of accused by the Special Judge in the second trial were consequently set aside.¹

Second trial was forbidden by Art. 13 of the Constitution, S. 26 of the General Clauses Act and S. 403 of the Code of Criminal Procedure. Main test in such cases was as to whether same evidence would sustain the convictions under both laws. Same evidence would have to be led in the case against the accused in both the forums and ingredients of both the alleged offences were also the same. After his trial under the Customs Act, 1969, accused could not be tried under the Anti-Narcotics Laws. Second trial for the accused before the Special Judge (Anti-

7 1995 SC MR 626 *ref* PLD 1998 Kar 159

8 1999 MLD 1423

9 2004 SD 974

1 2000 MLD 206

Narcotics) was contrary not only to the Constitutional protection, but was also forbidden under the other laws as well, as mentioned above and was, thus, a nullity in the eyes of law and the same was quashed accordingly.²

Point in issue was as to whether a person who had been tried by the Special Judge, Customs and either acquitted or convicted for smuggling or being in possession of narcotics could be tried for the second time by the Special Judge under the Control of Narcotic Substances Ordinance, 1996. The offence of smuggling and carrying of narcotics being one and the same, the second trial was barred in view of Art. 13 of the Constitution, S. 26 of the General Clauses Act, 1897 and S. 403 of Criminal Procedure Code, 1898. Cases pending against the accused were quashed accordingly.³

⁴[27. **Meaning of service by post.**—Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

COMMENTS

Service of process duly accepted as valid by Foreign Court. Such process could not be lawfully questioned before High Court being neither opposed to manner of service of process as provided in Civil Procedure Code, 1908, nor any other law. Procedure adopted by Foreign Court being in consonance with presumption of service arising under S. 27, General Clauses Act, 1897, would be valid.⁵

Application for winding up of company was contested by company on the ground that same was not maintainable for want of service of statutory notice under S. 306, Companies Ordinance, 1984. Appellant company having changed its address, it was its obligation to have intimated such change to respondent (Banking Company). Respondent, therefore, had no other option but to send notice on previous address. Notice through registered post, acknowledgment due having been sent to appellant, on its known address presumption under S. 27, General Clauses Act, 1897, would be that same had been received by addressee. Company's failure to discharge its liability within statutory period of notice. Presumption was rightly raised that appellant company was unable to pay its debts. Respondent had

2. 2000 PCrLJ 204.

3. 2000 PCrLJ 1002.

4. Cf. the Interpretation Act, 1889 (52 & 53 Vict. c. 63), Sec. 26.

5. PLD 1998 Kar 104.

admittedly advanced loan to appellant for its project and appellant having acknowledged receipt of same and also having agreed to abide by the repayment schedule in six monthly instalments, had miserably failed to discharge its liability, therefor, respondent was justified in moving petition for winding up of company. Impugned order whereby appellant (Company) was wound up having been passed in accordance with law and such order being just and equitable, did not warrant interference in appeal.⁶

Such proceedings after service of notice under certificate of posting would be unquestionable when there were seven clear days between hearing of case and despatch of such notice to assessee. Notice under certificate of posting would be presumed to have been received by assessee in terms of presumption under Art. 129, Qanun-e-Shahadat, 1984 and under S. 27, of General Clauses Act, 1897. Assessment under S. 62 Income Tax Ordinance, 1979 being valid, no interference therein was warranted.⁷

Chief Election Commissioner erred in law in not taking into consideration S. 27(a) of General Clauses Act, 1897 which required president of concerned party to pass speaking order. Chief Election Commissioner omitted from consideration that appeal of petitioner had not been decided by the President of party himself. Press clipping against petitioner had been interpreted by Chief Election Commissioner in violation of law pronounced by Supreme Court in 1998 SCMR 1873. Role of Speaker had not been considered by Chief Election Commissioner who had acted as post office without applying his independent mind. Chief Election Commissioner did not ensure that President of concerned party and speaker had acted justly, fairly, legally and equitably while dealing with petitioners disqualification. Chief Election Commissioner was directed to allow parties to produce evidence which they wished to produce and decide the matters afresh in the light of evidence on record.⁸

[28. Citation of enactments.]—(1) In any Central Act or Regulation, and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act or Regulation, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In this Act and in any Central Act or Regulation made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the

6. AIR 1946 Bom. 18; AIR 1958 Bom. 491; AIR 1971 Cal. 78 and AIR 1955 Bom. 3565 ref. 1998 SCMR 1533.

7. PLD 1997 Kar. 973 ref. 1998 PTD 243.

8. PLJ 2000 Peshawar 97 (DB)

9. Cf. *ibid.*, Sec. 35.

word, section or other part mentioned or referred to as form in the beginning and as forming the end of the portion comprised in the description or citation.

[29. Saving for previous enactments, rules and bye-laws.]—The provisions of this Act respecting the construction of Acts, Regulations rules or bye-laws made after the commencement of this Act shall not affect the construction of any Act, Regulation, rule or bye-law made before the commencement of this Act, although the Act, Regulation, rule or bye-law is continued or amended by an Act, Regulation, rule or bye-law made after the commencement of this Act.

30. Application of Act to Ordinances.—In this Act the Expression "Central Act" wherever it occurs, except in Section 5, and the word "Act" in clauses (9), (12), (38), (48 and (50) of Section 3 and in Section 25 shall be deemed to include an Ordinance made and promulgated by the Governor-General under Section 23 of the Indian Councils Act, 1861 or Section 72 of the Government of India Act, 1915 or Section 42 of the Government of India Act, 1935 or an Ordinance made and promulgated by the President on or after the twenty-third day of March, 1956.

31. Application of Act to Orders made by the President.—The provisions of this Act shall apply for the interpretation of any Order made by the President on or after the twenty-third day of March, 1956, as they apply for the interpretation of a Central Act, as if every such Order were a Central Act.

THE SCHEDULE.—[Enactments Repealed.] Repealed by the Amending Act, 1903 (I of 1903), Section 4 and Schedule III.

THE W.P. GENERAL CLAUSES ACT, 1956

(VI OF 1956)

[30th June, 1956]

An Act to facilitate the interpretations of W.P. Acts and to shorten the language used therein

Preamble: Whereas it is expedient to shorten the language used in the Acts passed by the W.P. Legislature and to make certain provisions for the construction of, and other matters relating to such Acts in force in West Pakistan;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the W.P. General Clauses Act, 1956.

(2) It shall be deemed to have come into force on and from the 14th day of October, 1955.

(3) It extends to the whole of the Province of West Pakistan except the Tribal Areas.

2. **Definitions.**---In this Act, and in all West Pakistan Acts unless there is anything repugnant in the subject or context:--

(1) **Abet:** "Abet" with its grammatical variations and cognate expressions shall have the same meaning as in the Pakistan Penal Code;

(2) **Act:** "Act" used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done shall extend also to illegal omission;

(3) **Acceding State:** "Acceding State" shall mean any territory in the Indo-Pakistan Sub-continent which the Federal Government recognizes as a State, whether described as a State or otherwise, and which has acceded to Pakistan; and

Non-Acceding State: "Non-acceding State" shall mean any State so recognized which has not so acceded;

(4) **Affidavit:** "Affidavit" shall include affirmation and declaration in the case of persons be law allowed to affirm or declare instead of swearing;

- (4A) **Bahawalpur:** "Bahawalpur" shall mean the territories comprised in the State of Bahawalpur immediately before the fourteenth day of October, 1955;
- (4B) **Baluchistan:** "Baluchistan States Union" shall mean the territories comprised in the Chief Commissioner's Province or Baluchistan immediately before the fourteenth day of October, 1955;
- (4C) **Baluchistan States Union:** "Baluchistan States Union" shall mean the territories comprised in the Baluchistan States Union Immediately before the fourteenth day of October, 1955;
- (5) **Barrister:** "Barrister" shall mean a Barrister of England or Ireland or a member of the Faculty of Advocates in Scotland;
- (6) **British-India:** "British-India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majesty's Dominions which were for the time being Governed by His Majesty through the Governor-General of India or through any Governor or officer subordinate to the Governor-General of India, and as respects any period after that date and before the establishment of the Federation of Pakistan means all territories for the time being comprised within the Governors Provinces and the Chief Commissioners Province except that a reference to British-India in an Indian Law passed or made before the commencement of Part III of the Government of India Act, 1935, shall not include a reference to Berar;
- (7) **British possession:** "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local Legislature, all parts under the Central Legislature shall, for the purposes of this definition, be deemed to be one British possession;
- (8) [*Omitted by W.P.A. Order, 1964, S. 2 (1), Sch.*];
- (9) **Federal Act:** 'Federal Act' shall mean an Act of the Federal Legislature; and shall include an Act made by the Governor-General under Section 67-B of the Government of India Act;
- (10) **Federal Government:** 'Federal Government' shall:--
- (a) in relation to anything done before the commencement of Part III of the Government of India Act, 1935, mean the Governor-General-in-Council or the authority competent at the relevant date to exercise the functions corresponding to those subsequently exercised by the Governor-General;

- (b) in relation to anything done after the commencement of Part III of the said Act, but before the establishment of the Federation of Pakistan mean, as respect matters with respect to which the Governor-General was by or under the provisions of the said Act then in force required to Act in his discretion, the Governor-General and as respects other matters, the Governor-General in Council; and
 - (c) in relation to anything done after the establishment of the Federation of Pakistan but before the twenty-third day of March, 1956, mean the Governor-General; and shall include:--
 - (i) in relation to functions entrusted under sub-section (1) of Section 124 of the said Act to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and
 - (ii) in relation to the administration before the fourteenth day of October 1955 of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of Section 94 of the said Act;
 - (d) in relation to anything done or to be done, after the twenty-third day of March, 1956, mean the President, and shall include in relation to functions entrusted to the Government of a Province, the Provincial Government within the scope of the authority given to it by the President.
- (11) **Central Legislature:** "Central Legislature" shall mean the Governor-General-in-Council acting in a legislative capacity under the Government of India Act, 1833, the Government of India Act, 1853, the Indian Councils Acts, 1861 to 1909; or any of those Acts, or the Government of India Act, 1915, the Indian Legislature acting under the Government of India Act, or the Government of India Act, 1935, or the Parliament under the Constitution of 1956 or the National Assembly acting under the Constitution of 1962; as the case may require;
- (12) **Chapter:** "Chapter" shall mean a chapter of the West Pakistan Act in which the word occurs;
- (13) **Chief Court:** "Chief Court" in relation to anything done before the fourteenth day of October, 1955, shall mean the highest Court of original, appellate or revisional jurisdiction (not including the Federal Court);

- (14) **Collector:** "Collector" shall mean the Chief Officer in Charge of the Revenue administration of a District and shall include a Deputy Commissioner;
- (15) **Colony:** "Colony":--
- (a) in any Act passed after the commencement of Part III of the Government of India Act, 1935, shall mean any part of His Majesty's Dominions exclusive of the British Islands, of India and Pakistan (and before the fifteenth day of August, 1947 British-India) any Dominion as defined in the State of West Minister, 1931, any Province or State forming part of any of the said Dominions, and British Burma; and
 - (b) in any Act passed before the commencement of Part III of the said Act, shall mean any part of His Majesty's Dominions exclusive of the British Islands and of British-India, and in either case where parts of those Dominions are under both a Central and Local Legislature, all parts under the Central Legislature shall, for the purpose of this definition, be deemed to be one colony;
- (16) **Commencement:** "Commencement" used with reference to a West Pakistan Act shall mean the day on which the Act comes into force;
- (17) **Commissioner:** "Commissioner" shall mean the Chief Officer-in-Charge of the Revenue and general administration of division and shall include an Additional Commissioner of such division;
- (17A) **Constitution:** "Constitution" mean the Constitution of the Islamic Republic of Pakistan brought into force on the eighth day of June, 1962;
- (18) **Consular Officer:** "Consular Officer" shall include consul-general, consul, vice consul, consular agent, pro-consul and any person for the time being authorised to perform the duties of consul-general, consul, vice consul or consular agent;
- (19) **Deputy Commissioner:** "Deputy Commissioner" shall mean the Chief Officer in Charge of the general administration of a district;
- (20) **District Judge:** "District Judge" shall mean the judge of a principal Civil Court of original jurisdiction but shall not include the High Court in the exercise of its ordinary or extraordinary original Civil jurisdiction;
- (21) **District Court:** "District Court" shall mean the principal Civil Court of original civil jurisdiction of a district; but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

- (22) **Document:** "Document" shall include any matter written, expressed or described upon any substance by means of letters figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter;
- (23) **Enactment:** "Enactment" shall include an Ordinance and a Regulation and any provision contained in any West Pakistan Act; Ordinance or Regulation;
- (24) **Father:** "Father" in the case of any one whose personal law permits adoption, shall include an adoptive father;
- (25) **Financial Year:** "Financial year" means:--
- (a) as respects the period before the first day of April 1959, the year commencing on the first day of April and ending on the thirty-first day of March;
 - (b) as respects the period from the first day of April, 1959, to the thirtieth day of June, 1959, both days inclusive, that period; and
 - (c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June;
- (26) **Gazette:** "Gazette" or "Official Gazette" shall mean the West Pakistan Gazette published under the authority of the Governor of West Pakistan;
- (27) **Good Faith:** A thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not;
- (28) **Government:** "Government" or "the Government" shall mean the Central Government or the Government of the Province of West Pakistan, as the case may be;
- (29) [Omitted by W.P. Order, 1964, S. 2(1), Sch.];
- (30) **High Court:** "High Court" shall mean the High Court of West Pakistan; and as respects any period before the fourteenth day of October, 1955, when the expression is used with reference to civil proceedings the highest Civil Court of appeal (not including the Federal Court) in a Province or a expression operated;
- (31) **Immovable property:** "Immovable Property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;
- (32) **Imprisonment:** "Imprisonment" shall mean imprisonment of either description as defined in the Pakistan Penal Code, 1890;
- (33) **India:** "India" shall mean--
- (a) as respects any period before the establishment of the Federation of Pakistan, British-India together with all territories of any

- Indian ruler then under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian ruler, and the tribal areas; and
- (b) as respects any period after the establishment of the Federation of Pakistan, all territories for the time being included in the Dominion of India, excluding the territories of Jammu and Kashmir, Junagadh and Manavadar;
- (34) **India Act:** "India Act" or "Indian Act" shall mean as Act made by the Governor-General of India-in-Council;
- (34A) **Karachi Area:** "Karachi Area" shall mean the District of Karachi, except the villages specified in the Schedule to the Karachi (Federal Territory) Order, 1960;
- (34B) **Khairpur:** "Khairpur" shall mean the territories comprised in the State of Khairpur immediately before the fourteenth day of October, 1955;
- (35) **Local Authority:** "Local Authority" shall mean a Municipal Corporation, Municipal Committee, District Board, body of Port Trustees or Commissioners, or other authority legal entitled to, or entrusted by the Government with the control or management of a municipal or local fund;
- (36) **Magistrate:** "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force;
- (37) **Master:** "Master" used with reference to a ship shall mean any person (except a pilot or harbour Master) having for the time being control or charge of the ship;
- (38) **Month:** "Month" shall mean a month reckoned according to the British calendar;
- (39) **Movable property:** "Movable property" shall mean property of every description except immovable property;
- (39A) **North West Frontier:** "North-West Frontier" shall mean the territories comprised in the North-West Frontier Province immediately before the fourteenth day of October, 1955;
- (40) **North-West Frontier Province Act:** "North-West Frontier Province Act" shall mean an Act made by the Local Legislature or the Governor of the North-West Frontier Province under the Government of India Act, or by the Provincial Legislature or the Governor of the North-West Frontier Province (as it existed immediately before the

establishment of West Pakistan) under the Government of India Act, 1935;

- (41) **Notification:** "Notification" shall mean a notification published under proper authority in the official Gazette;
- (42) **Oath:** "Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;
- (43) **Offence:** "Offence" shall mean any Act or omission made punishable by any law for the time being in force;
- (44) **Pakistan:** "Pakistan" shall have the same meaning as in Article 1 of the Constitution;
- (45) **Pakistan Law:** "Pakistan Law" shall mean any Act, Ordinance, Regulation, Rule, Order, or Bye-law which before the establishment of the Federation of Pakistan had the force of law in British-India or any part thereof, or thereafter has the force of law in Pakistan or any part thereof, other than a Federated State¹];
- (46) **Part:** "Part" shall mean a part of the West Pakistan Act in which the word occurs;
- (47) **Person:** "Person" shall include any company or association or body of individuals, whether incorporated or not;
- (48) **Political Agent:** "Political Agent" shall mean the principal officer by whatever name called, representing the Federal Government in an Acceding State or group of Acceding States or in any territory or place in the tribal areas or leased areas;
- (49) **Privy Council:** "Privy Council" shall mean the Lords and other for the time being of Her Majesty's Most Honourable Privy Council;
- (50) **Province:** "Province" shall mean the Province of West Pakistan;
- (51) **Provincial Government:** "Provincial Government" shall mean the Government of West Pakistan Penal Code;
- (52) **Public Nuisance:** "Public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code;
- (52A) **The Punjab:** "The Punjab" shall mean the territories comprised in the Province of the Punjab as set out in Schedule to the Province of W.P. (Dissolution Order), 1970;
- (53) **Punjab Act:** "Punjab Act" shall mean an Act or Ordinance made by the Lieutenant of the Punjab-in-Council under the Indian Councils

¹ Words omitted by the Punjab A.O. 1 of 1974

Acts, 1861 and 1892 or the Indian Councils Acts, 1861 to 1909 or the Government of India Act, 1915, or by the Local Legislature or the Governor of the Punjab under the Government of India Act, 1935 or under the Constitution of the Islamic Republic of Pakistan, 1956 or the Constitution of Islamic Republic of Pakistan, 1962, or the Interim Constitution of the Islamic Republic of Pakistan, 1972 or the Constitution of the Islamic Republic of Pakistan, 1973;

- (54) **Registered:** "Registered" used with reference to a document shall mean registered in West Pakistan under the law for the time being in force for the registration of documents;
- (55) **Rule:** "Rule" shall mean a rule made in exercise of a power conferred by any enactment and shall include a regulation made as a rule under any enactment;
- (56) **Schedule:** "Schedule" shall mean a Schedule to the Act in which the word occurs;
- (57) **Scheduled District:** "Scheduled District" shall mean a "scheduled district" as defined in the Scheduled Districts Act, 1874;
- (58) **Section:** "Section" shall mean a section of the Act in which the word occurs;
- (59) **Ship:** "Ship" shall include every description of vessel used in navigation not exclusively propelled by oars;
- (60) **Sign:** "Sign" with its grammatical variations and cognate expression, shall with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions;
- (60A) **Sindh:** "Sindh" or "Sindh" shall mean the territories comprised in the Province of Sindh immediately before the fourteenth day of October, 1955;
- (61) **Sindh Act:** "Sindh Act" shall mean an Act made under the Government of India Act, 1935 by the Provincial Legislature or the Governor of the Province of Sindh as it existed immediately before the establishment of West Pakistan and shall include an Act made by the Governor of Bombay-in-Council under the Indian Council Act, 1861, and 1892 or the Indian Councils Acts, 1861, to 1909 or the Government of India Act, 1915, or by the Legislature or the Governor of the Presidency of Bombay under the Government of India Act, 1915, as applicable to the aforesaid Province before the aforesaid date;

- (62) **Son:** "Son" in the case of any one whose personal law permits adoption, shall include an adopted son;
- (63) [Omitted by W.P.A. Order, 1964, S. 2(1), Sch.];
- (64) **Sub-section:** "Sub-section" shall mean a sub-section of the section which the word occurs;
- (65) **Swear:** "Swear" with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;
- (65A) **Tribal Areas:** "Tribal Areas" shall mean the areas in the Province of West Pakistan which, on the thirteenth day of October, 1955, were:--
- (a) the tribal areas of Baluchistan, the Punjab and the North-West Frontier; and
- (b) the State of Amb, Chitral, Dir and Swat;
- (66) **Vessel:** "Vessel" shall include any ship or boat or any other description of vessel used in navigation;
- (67) **West Pakistan Act:** "West Pakistan Act" shall mean an Act made by the Provincial Legislature or the Governor of the Province of West Pakistan and shall include North-West Frontier Province Act, Punjab Act, and Sindh Act and any Act applying to the former Province of Baluchistan and the States of Bahawalpur and Khairpur and Baluchistan States Union;
- (68) **Will:** "Will" shall include a codicil and every writing making a voluntary posthumous disposition of property;
- (69) **Writing:** "Writing"--expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form; and
- (70) **Year:** "Year" shall mean a year reckoned according to the Gregorian calendar.

GENERAL RULES FOR CONSTRUCTION

3. **Coming into operation of enactments.**---Where any West Pakistan Act is not expressed to come into operation on a particular day, then, it shall come into operation, on published in the official Gazette, and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act.

4. Effect of Repeal.---(1) Where this Act or any other West Pakistan Act repeals any enactment then, unless a different intention appears, the repeal shall not:--

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Repealing Act had been repealed by the West Pakistan Act.

(2) The provisions of sub-section (1) shall apply on the expiry or withdrawal of any Ordinance promulgated by the Governor as if it had been repealed by the West Pakistan Act.

5. Repeal of Act making textual amendment in Act.---Where any West Pakistan Act repeals any enactment by which the text of any enactment was amended by the express omission insertion or substitution of any matter, then unless a different intention appears, the repeal shall not affect the continuance of any amendment made by the enactment so repealed and in operation at the time of such repeal.

6. Revival of repealed enactments.---In any West Pakistan Act it shall be necessary, for the purpose of reviving either wholly or partially and enactment wholly or partially repealed, expressly to state that purpose.

7. Construction of reference to repealed enactments.---(1) Where this Act or any other West Pakistan Act repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or instrument in any to the provision so repealed shall, unless, a different intention appears, be construed in references to the provision so re-enacted.

(2) Where any Central Act or an Act of Parliament repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any West Pakistan enactment or instrument to the provision so repealed shall,

unless, a different intention appears, be construed in references to the provision so enacted.

8. Commencement and termination of time.---In any West Pakistan Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time to use the word "from" and for the purpose of including the last in a series of days or any other period of time to use the word "to".

9. Computation of time.---Where, by any West Pakistan Act, any Act or proceeding is directed or allowed to be done or taken in any Court or office is closed on that day or the last day of the prescribed period, the Act or proceeding shall be considered as done or taken undue time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any Act or proceeding to which the Limitation Act, 1908 (IX of 1908) applies.

10. Measurement of distance.---In the measurement of any distance, for the purpose of any West Pakistan Act, the distance shall unless a different intention appears, be measured in a straight line on a horizontal plane.

11. Duty to be taken prorate in enactments.---Where by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

12. Gender and number.---In all West Pakistan Acts, unless there is anything repugnant in the subject or context:--

- (1) words importing the masculine gender shall be taken to include females; and
- (2) words in the singular shall include the plural, and *vice versa*.

POWERS AND FUNCTIONARIES

13. Power conferred to be exercisable from time to time.---Where, by or under any West Pakistan Act, any power is conferred upon any authority, then that power may be exercised by such authority, from time to time or as occasion requires.

14. Power to appoint to include power to appoint *ex officio*.---Where by any West Pakistan Act, any power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

15. Power to appoint to include power to suspend or dismiss.---Where by any West Pakistan Act, a power to make any appointment is conferred then unless different intention appears, the authority having for the time being power to

make the appointment shall also have power to suspend or dismiss any person appointed whether by itself or any other authority in exercise of that power.

16. Substitution of functionaries.---In any West Pakistan Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

17. Successors.---In any West Pakistan Act, it shall be sufficient for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession to express its relation to the functionaries or corporations.

18. Official Chiefs and subordinates.---In any West Pakistan Act, it shall be sufficient for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superiors, to prescribe the duty of the superior.

PROVISIONS AS TO ORDERS RULES ETC. MADE UNDER ENACTMENTS

19. Construction of orders to issue under enactments.---Where, by any West Pakistan Act, a power to issue any notification order scheme rule, form or bye-law is conferred, then expressions used in the notification, order scheme, rule form or bye-law shall unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

²Sindh Amendment

After Section 19A shall be inserted, namely:---

"19A. Rules and Orders, etc. to be published.---All rules, notifications orders regulations and circulars having the effect of law made or issued under any enactment shall be published in the official Gazette."

20. Power to make to include power to add to, amend vary or rescind orders, rules or bye-laws.---Where by any West Pakistan Act, a power to issue notification, orders, rules, scheme, form or bye-laws is conferred then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any) add to, amend, vary or rescind, any notifications, orders, rules, scheme, form, bye-laws so issued.

21. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.---Where, by any West Pakistan Act, which is not to come into force immediately on the passing thereof a power is conferred to make rules or bye-laws or to issue orders with respect to the application of the Act

or with respect to the establishment of any Court or office or the appointment of any judge or officer thereunder or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act, but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

22. Provisions applicable to making of rules or bye-laws after previous publication. Where by any West Pakistan Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise provides, the following provisions shall apply, namely:--

- (1) the authority having power to make the rules or bye-laws shall, before making them publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby.
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or if the condition with respect to previous publication so requires, in such manner as the Provincial Government, prescribes.
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration,
- (4) the authority having power to make the rules or bye-laws and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified.
- (5) the publication in the official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

23. Continuation of appointment notification orders, etc.—Issued under enactments repealed and re-enacted. Where any West Pakistan Act, is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-law made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions re-enacted continue in force, and be deemed to have been made or issued under the provisions so re-enacted unless or until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law made or issued under the provisions so re-enacted.

24. Recovery of fines.—Sections 63 to 70 of the Pakistan Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fine shall apply to

all fines imposed under any Act, rule or law, unless the Act, rule or bye-law contains an express provision to the contrary.

25. Provision as to offences punishable under two or more enactments.---Where an Act or omission constitutes an offence under two or more enactments then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished under either or any of those enactments but shall not be liable to be punished twice for the same offence.

26. Meaning of service by post.---Where any West Pakistan Act authorises or requires any document to be served by post whether the expression "serve" or either of the expression "give" or "send" or any other expression is used, then unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the documents, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

27. Citation of enactments.---(1) In any West Pakistan Act and in any rule, bye-law instrument or document made under or with reference to any such Act any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any West Pakistan Act, a description or citation of a portion of another enactment shall, unless a different intention appear, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

28. Application to Ordinances and Regulations.---The Provisions of this Act shall apply in relation to any Ordinance promulgated by the Governor as they apply in relation to Acts made by the Provincial Legislature of West Pakistan.

29. Repeal.---The following enactments are hereby repealed:--

(1) The Sindh General Clauses Act, 1947;

³[(1-a) The Sindh General Clauses Act, 1947, as applicable in the District of Karachi].

(2) The Punjab General Clauses Act, 1898;

(3) The Punjab General Clauses Act, 1898, as applicable to the Districts of Bahawalnagar, Bahawalpur and Rahimyar Khan; and

(4) The North-West Frontier Province General Clauses Act, 1932.

³ Inserted by W.P. Ordinance VII of 1964

SERVICE BOOKS

Manual of Civil Service Laws
Departmental Inquiries
Punjab Education Code (English & Urdu)
Compendium of Pension Rules
Delegation of Financial Powers Rules, 1990
Punjab Civil Servants (E&D) Rules, 1975
Federal Government (E&D) Rules, 1973
Punjab Leave Rules, 1981
Federal Leave Rules, 1980
Federal Civil Service Laws
Punjab Civil Service Laws
Punjab Travelling Allowance Rules
Esta Code (Federal)
Esta Code (Punjab)
Digest of Service Laws
Punjab General Provident Fund Rules, 1978
Handbook for Drawing & Disbursing Officers
Audit Manual
Audit Code
Account Code (1-4)
Punjab Financial Rules, Vol. I & II
Punjab Civil Service Rules (CSR) Vol. I & II
F.R.S.R. I & II
Purchase Manual
General Financial Rules (Federal)
Office Procedure, Drafting & Noting
Constitution of the Islamic Republic of Pakistan, 1973
Federal Civil Service Regulations

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